IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 7772 OF 2005
IN
CRIMINAL APPEAL NO. 19 OF 2005

Ajit S. Kukreja .....Applicant

Versus

Narayan Gurnani and Anr. .....Respondents

Mr. S.Y. Ghadge for the applicant.
Mrs. M.H. Mhatre, A.P.P. for the State.

CORAM: **A.M. KHANWILKAR, J.**
DATE: **DECEMBER 13, 2005**.

P.C.

Heard counsel for the parties.

2. I see no reason to interfere with the discretionary and interlocutory order passed by the Court below as condition for granting interim stay during the pendency of the Appeal.

3. Counsel for the Applicant submits that the Applicant has good case on merits and, in fact, the Applicant is not liable to pay any amount to respondent No.1. It is not possible to accede to this submission. The Appeal is pending before the Appellate Court and during the pendency of the said Appeal, if the Appellate Court has called upon the Applicant to deposit the amount of compensation awarded by the lower Court as condition precedent for granting interim relief, no interference in respect of the said direction is warranted. Hence this application should fail. Counsel for the

Applicant, however, submits that at least some reasonable time be given to the Applicant to deposit the amount in question. The Applicant may deposit the amount within six weeks from today. Till such time Applicant not to be arrested. It is made clear that if Applicant fails to deposit the amount in specified time, it will be open to the lower Court to proceed against the Applicant in accordance with law. Application disposed of in the above terms.

(A.M. KHANWILKAR, J.)